SB CRIMINAL MISC. BAIL APPLICATION NO.3507/05.
Satish & Ors. Vs. State

29.8.2005.

HON'BLE MR.JUSTICE HARBANS LAL

Mr. N.K. Singhal for the petitioners.
Mr. R.P. Kuldeep PP for the State.

Heard learned counsel for petitioners, learned PP for the State and perused the relevant documents in the case diary produced before me.

It is inter-alia contended that the petitioners have been falsely implicated and entangled in this criminal case. The marriage took place as back as on 6.5.1996. Mst. Asha died a natural death due to illness and the very fact that Dinesh who is a minor has also been implicated shows that the total case is concocted and false. Learned PP as well as learned counsel for the complainant have opposed the bail application.

I have carefully considered the submissions made at the bar in the light of the materials so far collected during the investigation.

So far as Dinesh is concerned, he being born on 30.9.1988 was a juvenile on the date of occurrence and his case stands on a different footing. He, therefore, deserves to be granted the indulgence of pre-arrest bail in view of his juvenility. However, in view of the nature of allegations against other petitioners, the materials so far collected during investigation and all other facts and circumstances of the case, I do not deem it just and proper to grant the indulgence of pre-arrest bail to them.

In the result, the bail application u/s 438 Cr.P.C. in FIR No.23/05 P.S. Uchchain Distt. Bharatpur in so far as it relates to petitioners Satish, Ram Khiladi and Premwati is hereby rejected and that of Dinesh is allowed and it is directed that in the event of arrest of petitioner Dinesh son of Ram Khiladi in case FIR No.23/05 P.S. Uchchain Distt. Bharatpur registered for the offences under Sections 498-A, 304-B and 201 IPC he shall be released on bail by the concerned SHO/ Investigating Officer, on his furnishing a personal bond by his guardian in the sum of Rs.20,000/- together with one surety in the like amount to his satisfaction on the following conditions: -

1) that the petitioner shall make himself available for interrogation by a police officer as and when required;

2) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or any police officer; and

3) that the petitioner shall not leave India without previous permission of the Court.

However, if the petitioners Satish, Ram Khiladi and Premwati surrender before the concerned court on or before 12.9.2005 and apply for bail, their bail application shall be tried to be disposed of on the same day as per law. Till then they may not be arrested.

(HARBANS LAL)J.